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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re) Case No. 05-27467-C-7
)
MICHELLE E. HUBBARD,)
)
Debtor.)
)

**FINDINGS OF FACT AND CONCLUSIONS OF LAW ON
MOTION TO REDEEM COLLATERAL**

These findings of fact and conclusions of law are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014.

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is a core proceeding. 28 U.S.C. § 157(b)(2)(G).

Findings of Fact

On September 22, 2005, the debtor filed a motion to redeem collateral under 11 U.S.C. §722. The collateral, a 2004 Suzuki Quad ("vehicle"), secures a debt owed to American General Finance ("creditor"). The debtor's motion establishes that the obligation was secured by personal property intended primarily for personal, family or household use. The lien against the vehicle is in the approximate amount of \$4,362. In debtor's

1 opinion, the fair market value of the vehicle is \$1,000.

2 A hearing was scheduled for October 25, 2005 to consider
3 the motion. No opposition to the motion was filed. Upon review
4 of the record, the court determined that the written record was
5 adequate because there were no contested issues of fact and that
6 no oral argument was necessary.

7

8 Conclusions of Law

9 Under 11 U.S.C. § 722, a debtor may redeem consumer
10 collateral by "cashing out" a creditor for the fair market value
11 of the collateral. The fair market value of the collateral is
12 determined to be \$1,000.

13 Accordingly, the motion to redeem the collateral for
14 \$1,000 will be granted.

15 An appropriate order will issue.

16 Dated: October 27, 2005

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UNITED STATES BANKRUPTCY JUDGE

1 CERTIFICATE OF SERVICE
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3 On the date indicated below, I served a true and correct
4 copy(ies) of the attached document by placing said copy(ies) in a
5 postage paid envelope addressed to the person(s) hereinafter
6 listed and by depositing said envelope in the United States mail
7 or by placing said copy(ies) into an interoffice delivery
8 receptacle located in the Clerk's Office.

9 Michelle Hubbard
10 769 E. Cherrywood Place
11 Chandler, AZ 85249

12 Peter Macaluso
13 910 Florin Road #111
14 Sacramento, CA 95831-5259

15 Frederick Lucksinger
16 P.O. Box 2460
17 Rocklin, CA 95677

18 American General Finance
19 Agent for Service of Process
20 5311 Elkhorn Boulevard
21 Sacramento, CA 95842

22 Dated: 11-3-05

23 Darlene Hefley

24 Deputy Clerk

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